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Illustrating a Technical Manual: Copyright and Fair Use in a Real World Professional Context

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Illustrating a Technical Manual: Copyright and Fair Use in a Real World Professional Context

Karyn Hinkle

Intended Audience: Upper-division undergraduate students in writing, graphic design, illustration

Session Length: Works well as a one-shot session the length of a usual course period, and can flexibly stretch from 50 to 90 minutes

Code Sections: Analytic writing, Making art

ACRL Frames: Information creation as a process, Information has value

ABSTRACT

This lesson was developed for students preparing to enter professional practice who were assigned to write and/or illustrate a technical how-to manual on a topic of their choice (how to put on ski boots, draw blood, use a fitness tracking app, etc.). The teaching librarian conducts a class session on finding and creating images to illustrate the manuals and teaches differences between using copyrighted and non-copyrighted images. The students work on finding images in the public domain, creating their own images, and incorporating copyrighted images via Creative Commons licenses and the principle of fair use. Librarians can teach this lesson with students who have been assigned to write or illustrate a how-to manual by a course instructor. Alternatively, librarians can assign illustrating a how-to manual as their own standalone project to use in any image use instruction session as a way to make finding and illustrating with images relevant to a real-world, professional practice.

LEARNING OBJECTIVES

At the end of the session, students will be able to:

- recognize the differences between copyrighted and public domain images
- select images for their projects from the public domain or create new images of their own
- explain two legal methods of using copyrighted images in their work, fair use and Creative Commons licenses
- summarize their images' copyright status and defend their use of the images in their projects

MATERIALS

- This class is best taught in a computer lab classroom or other setting where the students each have access to a computer or mobile device for hands-on searching. Personal cameras, such as on a mobile phone, can also be useful for students to have in class.
- Worksheet, Assessment, Rubric, and Slides (see [appendix 7](#))

LESSON PLAN

Introductions (10-20 minutes)

Introduce yourself and consider showing a highly illustrated example of a brochure or manual you've seen or telling an anecdote about using a manual (IKEA stories are clichéd but always work!). Explain that finding images to illustrate a how-to manual can be a great way to explore copyright and issues of fair use, and that it's a very practical, real world use for image searching and image creation.

If the students have already been assigned a manual in advance by their course instructor, have each student state their name and the topic of their technical manual as well as any questions or thoughts they already have about illustrating it—the latter can be prompted by questions or comments from you (“are you thinking about a particular brand?” “Do you have access to that machinery/material/etc?” “Oh, that sounds like something we can certainly find online—we’ll get into how and where in the workshop!”). If they have not been working on the assignment in advance, or if you are assigning a manual illustration for the library workshop, have each student state their name and brainstorm a how-to idea they could illustrate in a technical manual (how to put on ski boots, how to start a tractor, how to change windshield wipers, how to draw blood, how to use a fitness tracking or financial planning app...).

When the size of the class and your time allows, you can write their topics on the board as they're announced and try to categorize them as physical/personal tasks, tasks with machinery, technological how-tos, etc. To save time in class, you could ask for topics in advance via email or course software if you have access, and categorize them ahead of time, then share the results with the class as they introduce themselves.

Lecture (10-15 minutes)

After introductions, remind the students that technical manuals need to be illustrated visually, and that illustrations are images created by either oneself or by other people. Whenever people use images, we will run into issues of copyright, so let the class know you're going to review the principles of copyright in a short overview.

You can use slides (see [appendix 7](#)) to help explain the definitions of copyright, public domain, fair use, and Creative Commons licenses, and review the history of law and the current interpretations of it, including CAA's (and other similar institutions') *Code of Best Practices in Fair Use for the Visual Arts*, and discuss how and why it all applies to images and therefore to choosing illustrations for a technical manual.

Discussion (10-15 minutes)

After you've reviewed formal definitions in your lecture, you can interactively discuss the students' manuals more specifically, soliciting their questions and thoughts. Open by inviting them to think about what types of images they would need to illustrate a how-to manual on the topic of their choice. For example, many people might like a representative opening image for the front cover or opening part of their manual—a pair of laced shoes for a shoe tying how-to; a still shot

from a famous movie or painting to set a mood or scene. They will also need discrete close-ups to illustrate the process itself—a person’s fingers forming loops for a bow; a stethoscope being positioned in a blood pressure cuff. Then ask what kinds of copyright considerations there could be for the types of images they might have in mind.

You can start the copyright and fair use conversation with some real talk: for a school project or in an academic context, we have ample freedom to use images we find anywhere. Nobody is going to sue you over an image you’ve handed in for this assignment! But also propose a thought experiment for the students: “What would it be like if you had a technical writing job working for a company that produced the topic of your manual? What if you were a university student who wanted to make a real manual right now to put online to help people for free, or even to sell your manual? What would the company think if you’re making a manual for a brand name product but you don’t work for the company? What are risks and benefits of using different types of illustrations?” Show the students they have choices to make based on different professional contexts. This is a good time to remind them of one of the objectives of the workshop: “Students will be able to summarize their images’ copyright status and defend their use of the images in their projects.” No matter what kind of images they use, students need to understand and be able to describe how and why they are using them.

If you categorized and/or listed the students’ topics on the board in Part 1, the list could be used as a guide to discuss why one may wish to use images with certain copyright statuses in the various contexts of their how-to manuals. Are some people illustrating step-by-step methods? If so, you can discuss how older illustrations now in the public domain could help, as well as government publications that

include medical or first aid illustrations, or parks and environmental infographics. Are some people describing how to use copyrighted software apps? What about particular brands or products? If so, this can be a good place to talk about fair use of copyrighted images in practice, reviewing the points you made about the Code's principles with your slides in Part 2.

The group discussion section is a good place to talk about creating your own images for illustrations, too. Ask the students if they could photograph themselves carrying out how-to steps for their topic. Would the resulting images be copyrighted? If they published the images online or in a print manual, what kind of fair use could others make of their images? Remind the students that they could apply a Creative Commons license to photos they create as illustrations so that others could use them. This is also an opportune time to discuss photo release forms if photographing people and site permissions if photographing in a public place. Even in a context where students are creating their own images, copyright factors will be in play, and the students should begin to understand and articulate their rights as creators and users of images.

Work Time (10-30 minutes)

Once the students have thought and talked about the copyright and fair use implications of different types of images for their illustrations, it is time to dive into some hands-on work. This is the most flexible section of the class. It is time for the students to search online for images and brainstorm ways to make their own. To facilitate this activity students can complete an in-class worksheet (my example is attached below) while you are available to give them help and advice.

On the projector, show the students a list of online resources they

can browse to find and select public domain and Creative Commons images for use in their manuals. You can type up a list of sites to display on a slide (as I did) or you can point the browser to a website or LibGuide page your library has already developed.

Here are some copyright-friendly image resources and examples of how-to manual illustrations that could be found in them:

Public domain images:

- Digital Public Library of America <https://dp.la/>
 - Images from America's libraries, museums, and archives including sets from the Library of Congress, the New York Public Library, and many others.
- Europeana Collections <http://www.europeana.eu/portal/en>
 - Similar to the DPLA linked above, but for Europe. The out-of-copyright images found in Europeana and DPLA (many from books, line drawings, photographs, and other works of art) can be good sources for detail shots and opening illustrations for how-to manuals.
- Catalog of U.S. Government Publications (CGP) - <https://catalog.gpo.gov/>
 - A searchable index to government publications. More recent publications have a link to an online version.
- Publications.USA.gov <https://publications.usa.gov>
 - Best browsed by the subject categories provided. The publications archived here and in CGP tend to contain lots of

images of people performing actions, such as studying, using a credit card, getting medical tests and procedures, etc., which is a great source for illustrating how-to manuals.

Creative Commons images:

- Creative Commons <https://creativecommons.org/>
 - Information on the different CC licenses and links to collections of CC images on all topics.
- Wikimedia Commons <https://commons.wikimedia.org/>
 - Public domain media and freely-licensed educational content.
- Flickr: The Commons <https://www.flickr.com/commons>
 - Many public domain and CC images, including many uploaded by individual users. Beware an interface that makes it easy to slide away from the Commons and into parts of the site with copyrighted images.

In a large class, you can circulate the room as a helper while the students complete their worksheets, either on their own or in pairs. With a smaller number of students, you could workshop some projects on-screen. Or you could even stage a photo shoot! Adjust this section to fit the time you have and your students' interest. As your students work and ask questions, remind them that they will need to be able to summarize their images' copyright status and defend their use of the images in their projects, especially if they were creating a manual in a real-world context. Many students will have no trouble taking screenshots of copyrighted software applications, or locating images of copyrighted movies, characters, or other sources. They

may need more help navigating online collections of public domain or Creative Commons licensed images. When answering their questions, remind them of the Code, the principles of fair use, and the different reasons you have discussed in the workshop for using various images with various copyright statuses.

Conclusion (5 minutes)

Thank the students for their questions and participation, show or describe some of the good images that have been found or created that day, and mention the images' copyright status and how fair use might come into play to reinforce the concepts covered. Remind and encourage them to visit the library frequently or contact you directly as their librarian if they have questions about illustrating the manual or anything else. Explain the post-class assessment exercise and scoring rubric (attached below), remind them of its due date, and say goodbye and great work.

ASSESSMENT

I've used a summative assessment to test students' grasp of copyright and image use issues. It's designed to be completed after their final how-to manual projects are turned in if students are working on a piece assigned by their course instructor. Alternatively, if you assign the how-to manual as your own project within the library session, the assessment can be done immediately afterwards: it could be distributed to and collected from students in class; later via email attachment; or on a Google form or other online survey instrument if your institution collects statistics that way.

Importantly, the assessment questions align with each of the learning objectives for the session (recognize the differences between copyrighted and public domain images; select images for their projects

from the public domain or create new images of their own; explain two legal methods of using copyrighted images in their work, fair use and Creative Commons licenses; and summarize their images' copyright status and defend their use of the images in their projects). The assessment questions also build upon the concepts presented with the in-class worksheet that students completed in the course of the workshop, so the students already have a personal foundation for what is being assessed.

For example, the in-class worksheet asked students to “Now answer some questions about the images' copyright status and your right to use them in your technical manual: Does the provider of the online image own the rights to it? What rights are the providers of the image extending to you, if any? What use could you make of the images in your manual? Would it be an acceptable use under the terms of copyright and fair use?” Ideally, students will have thought about and written answers to these questions with help from you in class. When it comes time for the assessment exercise, the questions should feel familiar, and their in-class answers can help them further consider the assessment questions.

From the assessment tool: “Is the image you selected copyrighted, shared with a Creative Commons license, or in the public domain? How do you know? Based on your image's copyright status, should you use it in your manual? How can you justify its use? If it is copyrighted, does the principle of Fair Use apply?”

At the end of this library workshop, and as judged by the assessment exercise, I want students to be able to accurately describe the differences between copyrighted, Creative Commons, and public domain images in detail; select copyright-friendly images for their projects

(their own images, public domain images, Creative Commons licensed images, or copyrighted images justified by Fair Use); and persuasively justify the use of their images by explaining the rules for using their own, public domain, or Creative Commons images, or by providing sound Fair Use reasoning for using copyrighted images. The best students will be able to do all of these things; others will do some better than others. Students who have not yet grasped the principles of copyright or fair use may not be able to accurately describe the differences between copyrighted, Creative Commons, and public domain images, or they might select copyrighted images for a project whose use does not seem justified by Fair Use. They may not persuasively justify the use of their images (even if they use images well) if they cannot describe why those are used appropriately.

I provide students with links to or copies of the scoring rubric and the worksheet completed in class to help them with the assessment form. The assessment form I've used for this exercise and the scoring rubric are attached, with color-coded questions and scores.

REFLECTION

"Illustrating a Technical Manual" was first created as part of a library-wide initiative to develop a learning objective about understanding copyright. Our information literacy coordinator asked me in my role as the visual arts librarian to develop an image copyright session for a communications class that had been given the technical manual assignment. Like many new classes, this one presented a tempting opportunity to try to teach and assess absolutely everything one could about image copyright and fair use. The first time I taught it, I definitely tried to impart too much. The students were a group of freshman and sophomore level students, many of whom had never before encountered the concept of copyright. Their often faulty or confused

reasoning for using various images in their final projects showed it was difficult for beginning students to understand fair use when they had a brand new understanding of copyright.

If you teach this lesson to beginning undergraduates, I would recommend scaling back the assignment and learning objectives and encouraging them only to use public domain images or their own images. A class with these constraints still teaches copyright concepts without overwhelming novice students. However, for upper division undergraduates somewhat acquainted with copyright, finding images to illustrate a how-to manual is a great way to introduce fair use, the Creative Commons license, and using copyrighted materials legally in a professional context.

For practice using copyrighted materials under the terms of fair use, the Code offers students relevant, authoritative advice and gives librarians clear information they can add to their teaching slides, all of which makes it a valuable tool for this lesson plan. I have shared the Code with students, their instructors, and fellow librarians, and it is also a great document both for empowering students and for reassuring traditionalists that we don't need to be afraid of using copyrighted images in every case or exclude them from either academic or professional projects. Rather, as the Code confirms, there are many legitimate uses for them, including as illustrations in a how-to manual.

One thing that has surprised me about this lesson plan is how much students enjoy both the idea and practice of creating their own images. Some of the best students in class have illustrated their manuals with photos shot on their phones, at home, on their parents' farm equipment, and even in class. Some enjoy the "out" that using

their own images gives them, releasing them from worrying about copyright restrictions at all. Others love the ability to shoot the exact moments they wish to show; still others, especially those who don't often get chances to incorporate creativity into their work at school, seem to enjoy the encouragement to engage in a creative practice in and of itself. Whatever the impetus, students' creating their own images often seems to correlate with strong projects, for which course instructors consistently give very positive feedback. Creating is fun! In the future, I'd like to continue encouraging the practice while also helping students go even further to discover the creativity of re-using or re-purposing others' images in effective and legal ways.

In summary, I've found this professional practice assignment to be a very effective way to talk about fair use in a real-world context. Since the Code, with its audience of writers, artists, museum professionals, and other practitioners, also focuses real-world scenarios, the Code's aims mesh particularly well with a professional practice assignment.

Appendix 7: Illustrating a Technical Manual

IN-CLASS WORKSHEET

Illustrating a Technical Manual: Image Copyright and Fair Use In-Class Worksheet

Your Research Topic

Think about your manual's topic and the type of images you need to illustrate it. For example, if your topic is tying shoes, you might want images of people wearing shoes with laces. If your topic involves landscaping maintenance, you might need some accurate photographs of plants.

1. What is the topic of your how-to manual? What type of images will you need?

Finding Images

Use the **[list on the Libraries website/Libguide we discussed in class/insert your own preferred list of copyright-friendly websites here]** to explore some online collections of public domain and Creative Commons images to find images related to your topic.

2. Select three potential images relevant to your topic.

Image 1:	URL:	Notes:
Image 2:	URL:	Notes:
Image 3:	URL:	Notes:

Now answer some questions about the images' copyright status and your right to use them in your technical manual:

3. Does the provider of the online image own the rights to it?
4. What rights are the providers of the image extending to you, if any?
5. What use could you make of the images in your manual? Would it be an acceptable use under the terms of copyright and fair use?

TAKE-HOME ASSESSMENT

[This summative assessment is designed to be completed after the final project is finished. It could be distributed in person, via email, or on a Google form or other online survey. The colors match up to the corresponding parts of the scoring rubric.]

Illustrating a Technical Manual: Image Copyright and Fair Use Take-Home Assessment Exercise

This exercise reinforces the image research that your class did during the library workshop about illustrating your technical manual.

It tests your ability to understand image copyright status and ways to use images legally and ethically.

You can refer to the Image Copyright and Fair Use Worksheet we used in class to help you complete this exercise and you can view the scoring rubric to help you understand what to include in your answers.

[list/link URLs to both if available or attach copies]

[Responses are due by XX/XX/XXXX]

Thank you!

1. Last name
2. First name
3. Please describe two differences between copyrighted and public domain images. Next, describe what a Creative Commons license is.
4. What was the subject of your technical manual?
5. Please share an image you used to illustrate an issue/process/situation in your technical manual. Where did you find the image? Did you create it yourself? Find it online? If so, where?
(Copy and paste the image's URL if it is already online, or just describe it below if it is one you created yourself and it's not posted anywhere online.)
6. Is the image you selected copyrighted, shared with a Creative Commons license, or in the public domain? How do you know?
7. Based on your image's copyright status, should you use it in your manual? How can you justify its use? If it is copyrighted, does the principle of Fair Use apply?

TECHNICAL MANUAL RUBRIC

There are three things to judge on (green, blue, and purple).

If you do everything on the bad side (AND, AND), you get a 0

If you do more on the bad side than good (OR, OR), you get a 1

If you do more on the good side than bad (OR, OR), you get a 2

If you do everything on the good side (AND, AND), you get a 3

0 Emerging	1 Developing	2 Proficient	3 Distinguished
Cannot accurately describe the differences between copyrighted, Creative Commons, and public domain images.	Cannot accurately describe the differences between copyrighted, Creative Commons, and public domain images.	Accurately describes the differences between copyrighted, Creative Commons, and public domain images in detail.	Accurately describes the differences between copyrighted, Creative Commons, and public domain images in detail.
AND Selects copyrighted images for project whose use does not seem justified by Fair Use.	OR Selects copyrighted images for project whose use does not seem justified by Fair Use.	OR Selects copyright-friendly images for project (their own images, public domain images, Creative Commons licensed images, or copyrighted images justified by Fair Use).	AND Selects copyright-friendly images for project (their own images, public domain images, Creative Commons licensed images, or copyrighted images justified by Fair Use).
AND Does not persuasively justify the use of their image (includes using their own, public domain, or Creative Commons images but not describing why those are used appropriately; or by using copyrighted images and not providing sound Fair Use reasoning).	OR Does not persuasively justify the use of their image (includes using their own, public domain, or Creative Commons images but not describing why those are used appropriately; or by using copyrighted images and not providing sound Fair Use reasoning).	OR Persuasively justifies the use of their image by explaining the rules for using their own, public domain, or Creative Commons images; or by providing sound Fair Use reasoning for using copyrighted images.	AND Persuasively justifies the use of their image by explaining the rules for using their own, public domain, or Creative Commons images; or by providing sound Fair Use reasoning for using copyrighted images.

PRESENTATION

Illustrating A Technical Manual: Image Copyright and Fair Use



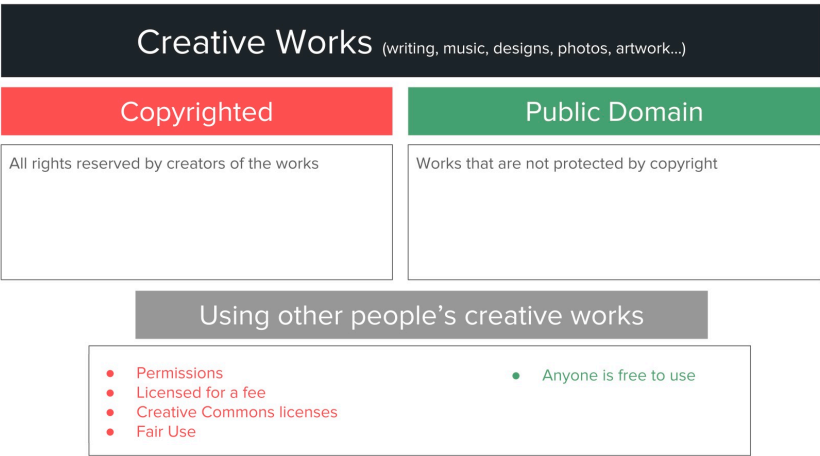
Libraries workshop with art librarian Karyn Hinkle

Today's agenda:

- Introductions for class and librarian
 - Copyright & Fair Use lecture and discussions
 - Image searching practice
-

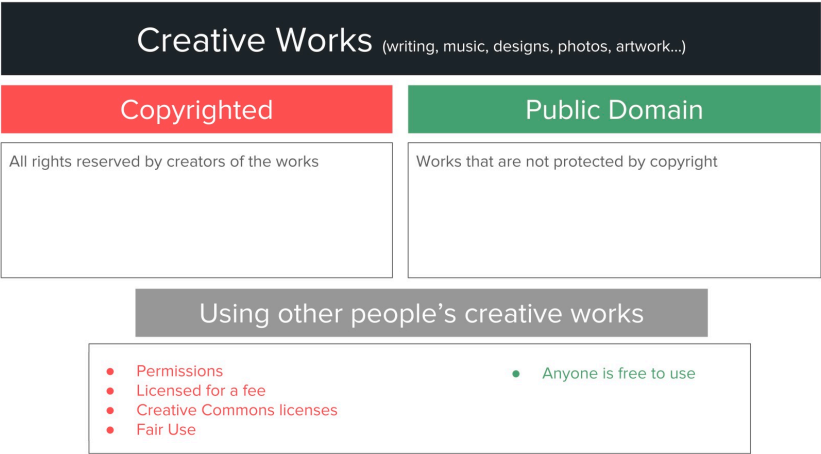
By the end of this workshop, you will be able to:

- recognize the difference between copyrighted and public domain images
- explain two legal methods of using copyrighted images in your work (fair use and Creative Commons licenses)
- select images for your projects from online collections of public domain and Creative Commons images
- summarize your images' copyright status and defend your use of the images in your projects



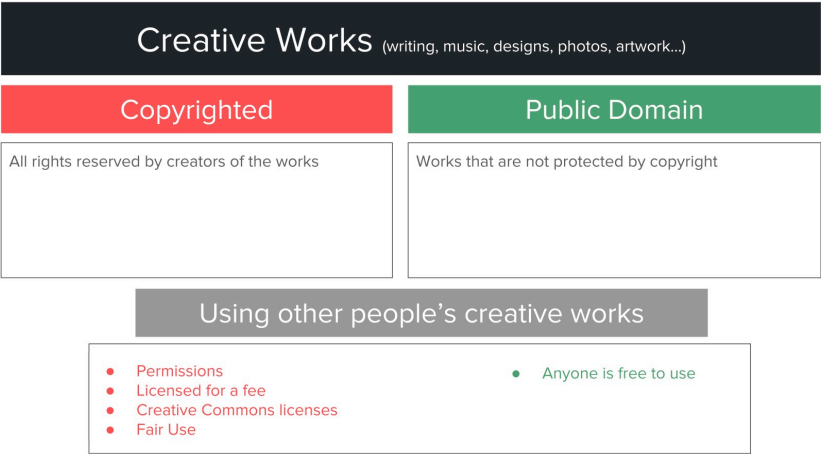
Copyright

- Is **legal protection** automatically provided to creators of original creative work (U.S. Constitution, article 1, section 8)
- Includes **literary, dramatic, musical, and artistic** works
- Gives creators/owners the **exclusive** right to:
 - Reproduce (copy) or distribute the original work to the public
 - Create new works based upon the original
 - Perform or display the work publicly
- Automatically** begins when an original creative work is put in a fixed, tangible form
- Lasts for the **life of the creator + 70 years** from their death for his/her heirs (original works created after 1977)
- Limits include **Fair Use**, **First Sale**, and works in the **Public Domain**
- Violating its rules is against the law. **Copyright infringement** will be tried in court. You can't avoid a copyright infringement claim just by citing your sources.



Public Domain

- Works can be **freely used** by anyone, for commercial or noncommercial purposes, **without permission** from an original copyright owner/creator
- Some works are not copyrightable, so they **automatically** enter the public domain:
 - Titles, names, short phrases and slogans, familiar symbols, numbers
 - Ideas and facts (e.g. famous dates)
 - Processes and systems
 - **Government works and documents**
- Some works have been **assigned to the public domain** by their creators
- Some works have entered the public domain because their **copyright has expired**
- All works published **in the U.S. before 1923** are in the public domain
- Anything copyrighted from the **late 1970s** to the present may not become public domain during our lifetime



Copyright

- Limits include **Fair Use**, **First Sale**, and works in the **Public Domain**

Using Copyrighted Work: **Fair Use**

- Allows the public to **use portions of copyrighted work without permission** from the copyright owner.
- Decided by courts on a **case-by-case basis** after balancing the **four factors** (listed in section 107 of the Copyright Act)
- Courts have found **in favor of fair use** in cases of: Criticism & Commentary, Parody, News reporting, Art, Scholarship and Research, Time-shifting (TV recordings), Search Engines
- To decide whether a use is a fair use, courts look at **four factors**:
 - The **purpose and character** of the second use (Is it just a copy, or are you doing something different from the original work? Is your use commercial?)
 - The **nature of the original** (Was the original work creative or primarily factual?)
 - **Amount** used: How much of the original work was used, and was that amount necessary?
 - **Effect**: Did the use harm the market for the original work? For example, would people buy this work instead of the original?
- Has little to do with attribution: you can be sued for copyright infringement whether or not you credit to the source

Using Copyrighted Work: Fair Use

- The writer's use of the work, whether in part or in whole, should be justified by the analytic objective, and the user should be prepared to articulate that justification.
- The writer's analytic objective should predominate over that of merely representing the work or works used.
- The amount and kind of material used and (where images are concerned) the size and resolution of the published reproduction should not exceed that appropriate to the analytic objective.

CAA PRINCIPLE: In their analytic writing about art, scholars and other writers (and, by extension, their publishers) may invoke fair use to quote, excerpt, or reproduce copyrighted works, subject to certain limitations:

- Justifications for use and the amount used should be considered especially carefully in connection with digital-format reproductions of born-digital works, where there is a heightened risk that reproductions may function as substitutes for the originals.
- Reproductions of works should represent the original works as accurately as can be achieved under the circumstances.
- The writing should provide attribution of the original work as is customary in the field, to the extent possible

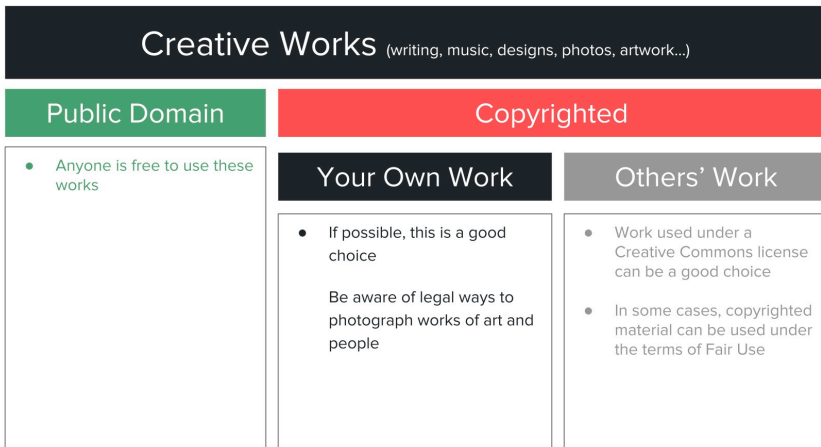
Using Copyrighted Work: Fair Use

CAA PRINCIPLE: Artists may invoke fair use to incorporate copyrighted material into new artworks in any medium, subject to certain limitations:

- Artists should avoid uses of existing copyrighted material that do not generate new artistic meaning, being aware that a change of medium, without more, may not meet this standard.
- The use of a preexisting work, whether in part or in whole, should be justified by the artistic objective, and artists who deliberately repurpose copyrighted works should be prepared to explain their rationales both for doing so and for the extent of their uses.
- Artists should avoid suggesting that incorporated elements are original to them, unless that suggestion is integral to the meaning of the new work.
- When copying another's work, an artist should cite the source, whether in the new work or elsewhere (by means such as labeling or embedding), unless there is an articulable aesthetic basis for not doing so.

Using Copyrighted Work: Creative Commons licenses

- Sometimes a creator may want to give everybody the permission to make copies of his or her work.
- One set of licenses that exist for this purpose are Creative Commons licenses.
- Creative Commons licenses forge a balance inside the traditional "all rights reserved" setting that copyright law creates.
- Creative Commons tools give creators a simple, standardized way to grant copyright permissions to their creative work.
- Creates a pool of content that can be copied, distributed, edited, remixed, and built upon, all within the boundaries of copyright law.



Copyright Resources

The College Art Association's Code of Best Practices in Fair Use for the Visual Arts:
www.collegeart.org/pdf/fair-use/best-practices-fair-use-visual-arts.pdf

Good advice and lists of public domain sources (with sections devoted particularly to images) from MIT Libraries:
<https://libraries.mit.edu/scholarly/publishing/using-copyrighted-content/>

Easy-to-understand information about copyright aimed at K-12 teachers:
<https://www.teachingcopyright.org/>

Copyright-friendly image resources compiled by the University of Kentucky Libraries:

- Creative Commons -- click [here](#) for information on the different CC licenses
- Wikimedia Commons -- Public domain media and freely-licensed educational content
- Flickr: The Commons -- Many public domain and CC images, including sets from the Library of Congress & the New York Public Library
- Digital Public Library of America -- Images from America's libraries, museums, & archives
- Europeana Collections -- Similar to the DPLA linked above, but for Europe
- Vecteezy.com -- Search and download free vector images

More lists of public domain sources and others:
<https://the8blog.wordpress.com/2011/04/05/public-domain-images-for-student-projects/>
<https://the8blog.wordpress.com/2010/10/05/nine-copyright-friendly-sites-for-student-multimedia-projects/>